

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

V.

No. 15-MJ-24-01

PEDRO PENA

ASSENTED-TO MOTION TO EXTEND INDICTMENT DEADLINE
PURSUANT TO 18 U.S.C. § 3161(h)(8)(A)

The United States of America, through undersigned counsel, and the defendant respectfully request a continuance and extension of the period within which to return an indictment in this matter 45 days until on or about October 30, 2015, pursuant to 18 U.S.C. § 3161(h)(8)(A). As grounds for this motion, the parties assert the following:

1. The defendant was charged by criminal complaint on March 13, 2015. Pursuant to Fed. R. Crim. P. 5, an initial appearance was held before this Court on the same date.

2. The government and the defendant, through new counsel, are presently discussing the possible disposition of this case by pre-indictment plea agreement, which the parties believe may be in their mutual interests. Under the terms of the Speedy Trial Act, this case must be indicted 30 days from the date of the initial appearance, plus any excludable time. See 18 U.S.C. §3161(b). Accordingly, a Show Cause hearing is currently scheduled for September 15, 2015.¹ It is unlikely that the negotiation of a possible plea agreement will be completed by that date.

3. Interests of Justice. It is the position of the parties that the ends of justice will be best served by this continuance in that it will allow the parties additional time in which to attempt to arrange a pre-indictment disposition of this matter, thereby conserving judicial, grand jury, and governmental resources. It is the position of the parties that the interests of justice served by the

1 This is the United States' third continuance request.

requested continuance outweigh the interests of the defendants and the public in a speedy indictment.

4. The parties further request that the Court enter an order excluding the time period from the date of the initial appearances through October 30, 2015 from the Speedy Trial Act calculations with respect to this case.

WHEREFORE, for the foregoing reasons, the undersigned respectfully and jointly request that this Honorable Court:

A. Grant a continuance of the period within which to return an indictment in this matter to October 30, 2015 in the interests of justice; and

B. Exclude time from the Speedy Trial Act calculations as requested above.

Respectfully submitted,

DONLAD FEITH
Acting United States Attorney

September 8, 2015

By: /s/ Jennifer C. Davis
Jennifer Cole Davis
Assistant U.S. Attorney
Bar No. 10222
U.S. Attorney's Office
53 Pleasant Street
Concord, NH 03301
603.225.1552

Certificate of Service

I hereby certify that a copy of the above motion was sent, via ECF, to Eduardo Masferrer, Esquire, counsel for the defendant.

Dated: September 8, 2015

/s/ Jennifer C. Davis
Jennifer Cole Davis
Assistant U.S. Attorney